

**POLICY AND LAW COMMITTEE MEETING
MAY 10, 2007 – 1 PM
DE PUBLIC ARCHIVES BLDG. – DOVER, DE**

Present: Brian Hartman, DLP; Jamie Wolfe, Consumer; Doyle Dobbins, DELARF; Chris Long, DHSS/DDDS; Tim Brooks, CDS; Wendy Strauss, GACEC; Tony Horstman, Parent; Al Rose, DDC; Kyle Hodges, Staff

Absent: Daniese McMullin-Powell, SCPD; Brian Bard, Consumer Victor Orija, Ombudsman's Office; Ray Brouillette, Easter Seals; Bob Osgood, SCPD; Carolanne O'Brien, DVR; Marge Turner, UCP; Norwood Coleman, Family Member; Cookie Austin, Parent; Rita Landgraf, SCPD; Regina Byers, GCAAPD; Karen Lazar, Ombudsman's Office; Liz Schantz, Consumer

CALL TO ORDER

In the absence of the co-chairs, Kyle called the meeting to order at 1:15 PM.

ADDITIONS OR DELETIONS TO THE AGENDA

Kyle added the New Castle County zoning and definition of family, S.B. 54, and H.B. 112 to the agenda

APPROVAL OF MINUTES

The minutes from the April 12, 2007 meeting were approved as submitted.

REVIEW OF BILLS AND REGULATIONS

1. DMMA Final Home Equity Medicaid Disqualification Reg. [10 DE Reg. 1700 (May 1, 2007)]
– It was agreed that no further action was needed.

2. DSS Final “Work for Your Welfare” Regulations [10 DE Reg. 1704 (May 1, 2007)] - It was agreed that no further action was needed.

3. DSS Final Child Care Subsidy Regulations [10 DE Reg. 1703 (May 1, 2007)] – This was an information item. The regulation was reviewed in March, but Council did not take action.

4. DSS Final Food Stamp Employment & Training Program Reg. [10 DE Reg. 1708 (May 1, 2007)] - It was agreed that no further action was needed.

5. Dept. Of Insurance Final Young Adult Insurance Regulations [10 DE Reg. 1711 (May 1, 2007)] - It was agreed that no further action was needed.

6. DMMA Prop. Medicaid Fraud Education Regulations [10 DE Reg. 1660 (May 1, 2007)] – Motion was made, seconded and approved for SCPD to send a letter endorsing the regulations subject to elaboration on the requirement of inclusion of State law fraud references.

7. Department of Insurance Proposed Discrimination Regulation [10 DE Reg. 1670 (May 1, 2007)] – Brian clarified that a person with a physical disability could be refused an insurance

policy if appropriate actuarial data is available. In addition, under current law you could charge someone who is deaf or blind a higher rate if there is data they have a shorter life expectancy. You cannot charge a higher premium based solely on a condition – a company can only charge a higher rate or refuse a policy based on sound actuarial data. Motion was made, seconded and approved for SCPD to share the observations in a letter consistent with Brian's memo. A copy will also be sent to the Insurance Commissioner.

8. H.B. No. 123 (Dental Care for Pregnant Medicaid Recipients) - Motion was made, seconded and approved for SCPD to send a letter endorsing the proposed legislation.

9. H.B. No. 129 (Family Support Coordinating Council) – It was agreed to move the 6th observation to the first and include a sentence at the end of the new 1st observation consistent with the following: As currently written, the Council's purpose and responsibilities may overlap with other councils' duties which already address some of these issues. Motion was made, seconded and approved for SCPD to share the observations in a letter consistent with Brian's memo and the aforementioned recommendations.

10. H.B. No. 128 (CHIP Income Cap) - Motion was made, seconded and approved for SCPD to send a letter strongly endorsing the proposed legislation.

11. S.B. 78 (PKU Insurance Coverage) – Motion was made, seconded and approved for SCPD to send a letter endorsing the proposed legislation.

12. S.B. No. 37 (Health Insurance Rate Regulation) – It was noted that the introduction date of the bill should be changed from March 28, 2007 to March 21, 2007. In addition, a copy of our comments should be shared with the Insurance Commissioner. Motion was made, seconded and approved for SCPD to send a letter endorsing regulations.

13. S.B. No. 88 (Nursing Home Administrators) - Motion was made, seconded and approved for SCPD to share the observations in a letter consistent with Brian's memo.

OTHER BUSINESS

New Castle County Ordinance Regarding the Definition of Family – the proposed change to the Code is as follows: *Family*. Any number of individuals legally related through blood, marriage, adoption or guardianship, including individuals placed for foster care by an authorized agency, or up to ~~four (4)~~ three (3) unrelated individuals living and cooking together and functioning as a single housekeeping unit using certain rooms and housekeeping facilities in common.

This could have a significant impact on persons with disabilities. There is an exemption in the state statute for group homes in all 3 counties which are staffed on a 24 hour basis. There are NAMI homes that may not be staffed for 24 hours. The trend is smaller homes in the community with less supervision and intermittent supports for people with disabilities. A person may have a live-in attendant that would place them in violation of the Ordinance. It could undermine some of current community based housing initiatives administered by the Department of Health and Social Services for people with disabilities. Furthermore, it may hinder future creative housing options potentially considered by DHSS. It could affect the money follows the person grant since a "qualifying residence" is a home with 4 or fewer unrelated individuals. This could also affect children aging out of the foster care system that may need transitional housing. Kyle will solicit information on live-in attendants and house sharing by the elderly.

Another option would be amending the Ordinance to create an exception for persons with disabilities.

SB 54 – Kyle provided this bill which deletes several categories of persons currently prohibited from being issued a marriage license. It deletes terms such as “paupers”, “habitual drunkards”, and “venereally diseased”. However, it leaves in persons with mental illness and contains the following provision: “(2) A patient voluntarily or involuntarily admitted to a facility for the diagnosis, care and treatment of mentally ill persons, unless such person first files, with the clerk of the peace to whom such person makes application for a marriage license, a certificate signed by the primary attending mental health physician or superintendent of the facility in which such person is a patient stating that such person is fit to marry, and unless such person in other respects may lawfully marry.”

Motion was made, seconded and approved for SCPD to send a letter opposing the bill and Kyle will attempt to speak with the sponsors, NAMI and MHA.

HB 112 – Kyle provided a draft letter on this bill which would add three members to the Council on Services for Aging and Adults with Physical Disabilities from the Delaware Aging Network. Kyle noted that Regina Byers, Chair of the DSAAPD Council, met with Rep. Wagner and let her know that there is not a need for the bill since there is currently a process in place for individuals to be appointed by the Governor. Representatives from the Delaware Aging Network could simply apply for membership on the Council like everyone else. Kyle added this to the draft letter.

Motion was made, seconded and approved for SCPD to send the letter consistent with the draft provided by Kyle.

ADJOURNMENT

The meeting was adjourned at 3:05 PM.

Respectively submitted,

Kyle Hodges
SCPD Administrator
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